

DILWORTH PAXSON LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102
Telephone: (215) 575-7000
Facsimile: (215) 575-7200
Jesse N. Silverman
jsilverman@dilworthlaw.com
Joshua D. Wolson
jwolson@dilworthlaw.com
Jennifer L. Maleski
jmaleski@dilworthlaw.com

*Attorneys for Floyd Calhoun Dent, III,
Bradley Johnson & BlueWave Healthcare Consultants, Inc.*

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In Re:	:	
	:	<u>(CHAPTER 11)</u>
HEALTH DIAGNOSTIC LABORATORY, Inc.,	:	
<i>et al</i>	:	Case No. 15-32919 (KRH)
	:	
Debtors	:	(Jointly Administered)

JOINDER TO OBJECTIONS TO SETTLEMENT

Floyd Calhoun Dent, III, Bradley Johnson and BlueWave Healthcare Consultants, Inc., (“BlueWave Parties”), by their undersigned counsel, submit this joinder to the *Limited Objection to the Liquidating Trustee’s Motion for Order Approving Settlement with LeClairRyan*, filed by Dr. Joseph McConnell on September 15, 2016 (ECF No. 1466) (the “McConnell Objection”), the *Joint Objection to Motion for Order Approving Settlement Agreement Between Richard Arrowsmith, Liquidating Trustee of the HDL Liquidating Trust, and LeClairRyan*, filed by Tipton Golias, Joseph Golias, Donald Golias, Wyndell L. Golias Voting Trust, Helena Laboratories Corporation, Karla Falgout, Pamela Oates, Eric Petersen, John Tessler, David Mayes, Noel Bartlett and Robert Galen on September 15, 2016 (ECF No. 1465) (the “Golias Objection,”), and the *Response and Objections to Liquidating Trustee’s Motion for Order*

Approving Settlement Agreement Between Richard Arrowsmith, Liquidating Trustee of HDL Liquidating Trust, and LeClairRyan, filed by G. Russell Warnick on September 15, 2016 (ECF No. 1471) (the “Warnick Objection”, and collectively with the McConnell Objection and the Golias Objection, the “Objections”) with respect to the Liquidating Trustee’s *Motion for Order Approving Settlement Agreement Between Richard Arrowsmith, Liquidating Trustee of the HDL Liquidating Trust, and LeClairRyan* (the “Motion”) (ECF No. 1443).

Late in the afternoon on Friday, September 16, 2016, the Liquidating Trustee filed a redacted Omnibus Complaint, which names each of the BlueWave Parties as Defendants. The Omnibus Complaint is more than 200 pages long (exclusive of exhibits) and includes 76 separate Counts and more than 100 pages of exhibits. In addition, the current version of the Omnibus Complaint that is available to named Defendants excludes more than 90 paragraphs that the Liquidating Trustee has sought Court approval to file under seal.

At this time, it is premature for the Court to decide what impact the settlement between the Liquidating Trust and LeClairRyan might have on any rights, claims, and defenses the BlueWave Parties might have in connection with the claims included in the Omnibus Complaint or any other action that the Liquidating Trustee might bring against the BlueWave Parties. The BlueWave Parties therefore object to the Motion to the extent that it asks the Court to determine the impact of the settlement on their rights, claims, and defenses as to the Liquidating Trust, LeClairRyan, or any other party, including rights with respect to Virginia Code § 8.01-35.1.

For the foregoing reasons, and as set out further in the Objections, the BlueWave Parties join the Objections and the request for relief therein.

Dated: September 19, 2016

/s/ Jesse N. Silverman

Jesse N. Silverman (VA I.D. 46456)

Joshua D. Wolson

Jennifer L. Maleski

DILWORTH PAXSON LLP

1500 Market Street, Suite 3500E

Philadelphia, PA 19102

*Attorneys for Floyd Calhoun Dent, III,
Bradley Johnson & BlueWave Healthcare
Consultants, Inc.*

CERTIFICATE OF SERVICE

The undersigned counsel for Floyd Calhoun Dent, III, Bradley Johnson & BlueWave Healthcare Consultants, Inc. hereby certifies that on September 19, 2016, the foregoing document was served upon the Service List, as defined in the Court's *Order Establishing Certain Post-Confirmation Notice, Case Management, and Administrative Procedures* [Docket No. 1261], via e-mail or first class mail if no e-mail addresses was available.

/s/ Jesse N. Silverman

Jesse N. Silverman

SERVICE BY ELECTRONIC MAIL		
Party Name	ATTN	Email
AETNA INC	James C Crumlish III - Elliott Greenleaf PC	jcc@elliottgreenleaf.com
AETNA INC	JAMES MCCARRIE II (COUNSEL)	mccarrii@etna.com
AETNA INC	Rafael Zahralddin - Elliott Greenleaf PC	rxza@elliottgreenleaf.com
BAKER & HOSTETLER LLP	John J CARNEY, ESQ, , FERVE E OZTURK, ESQ	jcarney@bakerlaw.com; fozturk@bakerlaw.com
BAKER AND HOSTELLER LLP	DENA S KESSLER ESQ	dkessler@bakerlaw.com
BANK OF THE WEST	Jeremy Friedberg & Pierce Murphy - Leitess Friedberg PC	jeremy.friedberg@lf-pc.com; pierce.murphy@lf-pc.com
BARNES & THORNBURG LLP	CONNIE A LAHN	connie.lahn@btlaw.com
BB&T	RICHARD E HAGERTY ESQ - TROUTMAN SANDERS LLF	richard.hagerty@troutmansanders.com
BEAN, KINNEY & KORMAN, P.C.	JENNIFER A BRUST, ESQ	jbrust@beankinney.com
BECKMAN COULTER INC	Daniel Schimizzi - Bernstein-Burkley PC	dschimizzi@bernsteinlaw.com
BIOTECH 8 LLC	Lynn Tavenner & Paula Beran - Tavenner & Beran PLC	ltavenner@tb-lawfirm.com; pberan@tb-lawfirm.com
BLUEWAVE HEALTHCARE CONSULTANTS, INC	Jesse N Silverman, Esq - Dilworth Paxon LLP	jsilverman@dilworthlaw.com
CERBERUS BUSINESS FINANCE LLC	LAWRENCE GELBER - SCHULTE ROTH & ZABEL LLF	lawrence.gelber@srz.com
CERBERUS BUSINESS FINANCE LLC	WILLIAM BROSCIOUS - KEPLEY BROSCIOUS & BIGGS PLC	wbroscious@kbbplc.com
CIGNA HEALTH AND LIFE INSURANCE COMAPNY	Clement Farley; Jeffrey Testa - McCarter & English LLP	cfarley@mccarter.com; jtesta@mccarter.com
CIGNA HEALTH AND LIFE INSURANCE COMAPNY	MICHAEL CONDYLES; JEREMY WILLIAMS - KUTAK ROCK LLP	michael.condyles@kutakrock.com; jeremy.williams@kutakrock.com
CLAIMS RECOVERY GROUP	ERIK FOX- REES BROOME, PC	EFox@reesbroome.com
CLEVELAND HEART LAB INC	JAKE ORVILLE	jorville@clevelandheartlab.com
CONNECTICUT GENERAL LIFE INSURANCE COMAPNY	Clement Farley; Jeffrey Testa - McCarter & English LLP	cfarley@mccarter.com; jtesta@mccarter.com
CONNECTICUT GENERAL LIFE INSURANCE COMAPNY	MICHAEL CONDYLES; JEREMY WILLIAMS - KUTAK ROCK LLP	michael.condyles@kutakrock.com; jeremy.williams@kutakrock.com
CORNWELL, JEFFREY	ERIC E WALKER - PERKINS COIE LLP	ewalker@perkinscoie.com
CORNWELL, JEFFREY	JOHN ROCHE - PERKINS COIE LLP	jroche@perkinscoie.com
CORNWELL, JEFFREY	H SLAYTON DABNEY JR - DABNEY PLLC	sdabney@dabneypllc.com
COUNSEL TO HEALTH DIAGNOSTIC LABORATORY INC ET AL (DEBTORS)	JUSTIN PAGET; SHANNON DAILY; JASON HARBOUR	jharbour@hunton.com; sdaily@hunton.com; jpaget@hunton.com; hlong@hunton.com; tcanada@hunton.com
COUNSEL TO THE LIQUIDATING TRUST OVERSIGHT COMMITTEE	DOUGLAS P LOBEL - COOLEY LLP	dlobel@cooley.com
COUNSEL TO THE LIQUIDATING TRUST OVERSIGHT COMMITTEE	RICHARD KANOWITZ; JAY INDYKE; JEREMY ROTHSTEIN - COOLEY LLP	rkanowitz@cooley.com; jindyke@cooley.com; jrothstein@cooley.com
Culbert & Schmitt, PLLC	Ann E. Schmitt	aschmitt@culbert-schmitt.com
CVF Beadsea LLC	Christian K Vogel	kvogel@vogelandcromwell.com
DIADEXUS INC	LEONE PATTERSON	lpatterson@diadexus.com
DURRETTE CRUMP PLC	KEVIN J FUNK	kfunk@durrettecrump.com
ENTEC SYSTEMS INC	ROBERT CANFIELD - CANFIELD BAER & HELLER LLF	bcanfield@canfieldbaer.com
EXCELLUS HEALTH PLAN, INC.	KELLY C GRIFFITH, ESQ. - HARRIS BEACH PLLC	kgriiffith@harrisbeach.com; bkemail@harrisbeach.com
G3 FOUNDERS LLC	NELSON MULLINS RILEY & SCARBOROUGH LLF	richard.herzog@nelsonmullins.com
GALESE & INGRAM PC	JEFFREY INGRAM	jeff@galese-ingram.com
GLOBAL GENOMICS GROUP LLC	NELSON MULLINS RILEY & SCARBOROUGH LLF	richard.herzog@nelsonmullins.com
GOLIAS, JOE	CONNIE A LAHN - BARNES & THORNBURG LLF	connie.lahn@btlaw.com

SERVICE BY ELECTRONIC MAIL		
Party Name	ATTN	Email
HALFPENNY TECHNOLOGIES INC	JOHN LUCIAN - BLANK ROME LLP	lucian@blankrome.com
HANOVER MOB LLC	C/O VALERIE P MORRISON	VAL.MORRISON@NELSONMULLINS.COM
HANOVER MOB LLC	C/O VALERIE P MORRISON	VAL.MORRISON@NELSONMULLINS.COM
HARRIS BEACH PLLC	KELLY C GRIFFITH, ESQ	kgriffith@harrisbeach.com; bkemail@harrisbeach.com
HDL LIQUIDATING TRUST	CULLEN SPECKHART- WOLCOTT RIVERS GATES	CSPECKHART@WOLRIV.COM
HDL LIQUIDATING TRUST	ROBERT WESTERMAN, EMILY M SCOTT & RACHEL A GREENLEAF-HIRSCHLER FLEISCHER PC	rwestermann@hf-law.com; rgreenleaf@hf-law.com; ESCOTT@HF-LAW.COM
IRON MOUNTAIN INFORMATION MANAGEMENT LLC	JOSEPH CORRIGAN	bankruptcy2@ironmountain.com
JOHNSON, ROBERT BRADFORD	PARKER POLLARD WILTON & PEADEN PC	treid@parkerpollard.com; sbryant@parkerpollard.com
JOSEPH L MANSON III ESQ		JMANSON@JMANSONLAW.COM
KANSAS BIOSCIENCE AUTHORITY	JOHN PERYMAN - GENERAL COUNSEL	peryam@kansasbioauthority.org
KRONUS INC	Solomon Ward Seidenwurm & Smith LLP	mbreslauer@swsslw.com; wyones@swsslw.com
LEMBERG LAW LLC	SERGEI LEMBERG	SLEMBERG@LEMBERGLAW.COM
MALLORY, LATONYA S	ATTN WHITEFORD TAYLOR & PRESTON LLP	mhastings@wtplaw.com; brapp@wtplaw.com; khroblak@wtplaw.com
MALLORY, LATONYA S	ATTN WHITEFORD TAYLOR & PRESTON LLP	khroblak@wtplaw.com
MALLORY, TONYA	ROBYN F POLLACK ESQ - SAUL EWING LLP	rpollack@saul.com
MCCONNELL, JOSEPH P	KEPLEY BROSCIOUS & BIGGS PLC	wbroscious@kbbplc.com; ktaylor@kbbplc.com
MCGUIRE WOODS	K ELIZABETH SEIG, ESQ	bsieg@mcguirewoods.com
MCGUIREWOODS	DION W HAYES	dhayes@mcguirewoods.com
MCKEAN, ANNA	STEPHANIE N GILBERT - WILCOX & SAVAGE PC	sgilbert@wilsav.com
MedTest DX	Gary Eisenberg; John Roche - Perkins Coie LLP	jroche@perkinscoie.com; geisenberg@perkinscoie.com
MedTest DX	ATTN JOHN ROCHE; GARY EISENBERG - PERKINS COIE LLP	jroche@perkinscoie.com; geisenberg@perkinscoie.com
MERCODIA INC		carissa.jones@mercodia.com
METABOLON INC	DAVID RUBY ; WILLIAM PRINCE IV - THOMPSON MCMULLAN PC	druby@t-mlaw.com; wprince@t-mlaw.com
MONUMENT CONSULTING LLC	WILLIAM A GRAY; ROY M TERRY - SANDS ANDERSON PC	bgray@sandsanderson.com; rterry@sandsanderson.com
MURPHY & MCGONIGLE, P.C.	JAMES A. MURPHY, ESQ	jmurphy@mmlawus.com
Murphy Goldammer & Prendergast LLP	Matthew S McCaulley	matt@mgplawfirm.com
Murphy Goldammer & Prendergast LLP	Matthew S McCaulley	matt@mgplawfirm.com
NUMARES AG AND NUMARES GROUP CORPORATION	Williams Mullen	tschwarz@williamsmullen.com; pbliley@williamsmullen.com; aburnett@williamsmullen.com
NUMARES GROUP CORPORATION	CLAUS BOTZLER	claus.botzler@numares.com
OFFICE OF THE UNITED STATES TRUSTEE	ROBERT VAN ARSDALE	robert.b.van.arsdale@usdoj.gov
ONCIMMUNE LIMITED	GEOFFREY HAMILTON FAIRLEY	geoffrey@hamilton-fairley.co.uk
ONCIMMUNE USA LLC	ANTHONY PORCELLI - POLSINELLI PC	aporcelli@polsinelli.com
ONCIMMUNE USA LLC	CHRISTOPHER WARD; JARRETT VINE - POLSINELLI PC	cward@polsinelli.com
ONCIMMUNE USA LLC	GEORGE KOSTEL - POLSINELLI PC	gkostel@polsinelli.com
ORCHARD SOFTWARE	James P Moloy - Bose McKinney & Evans LLP	jmoloy@boselaw.com

SERVICE BY ELECTRONIC MAIL		
Party Name	ATTN	Email
ORCHARD SOFTWARE	Roy Terry; Williams Gray; John Smith - Sands Anderson PC	rterry@sandsanderson.com; bgray@sandsanderson.com; jsmith@sandsanderson.com
ORCHARD SOFTWARE	Roy Terry; Williams Gray; John Smith - Sands Anderson PC	rterry@sandsanderson.com; bgray@sandsanderson.com; jsmith@sandsanderson.com
PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI LLF	RICHARD J PARKS ESQ	rjp@pietragallos.com
PNC BANK	LISA TANCREDI - GEBHARDT & SMITH LLP	ltancredi@gebsmith.com
PNC EQUIPMENT FINANCE LLC	MICHAEL D NORD, ESQ - GEBHARDT & SMITH LLF	MNORD@gebsmith.com
RANGARAJAN, SATYANARAIN	JOHN J CARNEY	jcarney@bakerlaw.com
ROCHE DIAGNOSTIC CORPORATION	DAVID POWLEN; KEVIN COLLINS - BARNES & THORNBURG LLP	david.powlen@btlaw.com; kevin.collins@btlaw.com
RONALD PAGE PLC	RONALD A PAGE JR	rp@rpagelaw.com
RYAN, DENNIS	TIMOTHY C BASS, THOMAS J MCKEE JR - GREENBERG TRAURIG LLF	basst@gtlaw.com; mckee@gtlaw.com
RYAN, DENNIS	HARRIS L KAY, ESQ - GREENBERG TRAURIG, LLP	kayh@gtlaw.com
Securities & Exchange Commission	Sharon Binger - Regional Director	philadelphia@sec.gov
SOLOMON WARD SEIDENWURM & SMITH, LLP	MICHAEL D BRESLAUER, ESQ.	mbreslauer@swsslaw.com; wyones@swsslaw.com
SPICER, PAUL	BLACKWELL N SHELLEY JR - SHELLEY CUPP SCHULTE PC	shelley@scs-work.com
SPIRO AND BROWNE PLC	DAVID G BROWNE	DBROWNE@SBLAWVA.COM
Stradley Ronon Stevens & Young, LLP	Zeenat Iqbal, Esquire (VSB 83213)	ziqbal@stradley.com
SUNTRUST BANK	Richard E Biemiller Esq - Wolcott Rivers Gates	biemiller@wolriv.com
SYDNEY INVESTMENT GROUP LLC	NELSON MULLINS RILEY & SCARBOROUGH LLP	richard.herzog@nelsonmullins.com
TN DEPT OF REVENUE C/O TN ATTORNEY GENERALS OFFICE	BANKRUPTCY DIVISION	gina.hantel@ag.tn.gov
TROUTMAN SANDERS LLP	CHRISTOPHER E VINYARD	chris.vinyard@troutmansanders.com
TROUTMAN SANDERS LLP	JONATHAN L HAUSER ESQ	jonathan.hauser@troutmansanders.com
TRUE HEALTH DIAGNOSTICS LLC	ERIC E WALKER - PERKINS COIE LLP	ewalker@perkinscoie.com
TRUE HEALTH DIAGNOSTICS LLC	JOHN ROCHE - PERKINS COIE LLP	jroche@perkinscoie.com
TRUE HEALTH DIAGNOSTICS LLC	H. SLAYTON DABNEY, JR - DABNEY, PLLC	sdabney@dabneypllc.com
UNION BANK & TRUST	CHRISTIAN & BARTON LLP	aepps@cblaw.com; mmueller@cblaw.com; jmclemore@cblaw.com
UNITED HEALTH CARE INSURANCE COMPANY	Ann E. Schmitt - Culbert & Schmitt, PLLC	aschmitt@culbert-schmitt.com
UNITED HEALTH CARE INSURANCE COMPANY	ERIC GOLDSTEIN - SHIPMAN & GOODWIN LLP	egoldstein@goodwin.com; bankruptcy@goodwin.com; bankruptcyparalegal@goodwin.com
US DEPARTMENT OF JUSTICE	MARY A SCHMERGEL - TRIAL ATTORNEY	mary.schmergel@usdoj.gov
US Environmental Protection Agency	Bankruptcy Operations	r3public@epa.gov
WILLIAM HARRIS		bill@omegaquant.com
WMPT Stone Oak LP	J Brandon Sieg; James Cosby - Vandeventer Black LLF	bsieg@vanblk.com; jcosby@vanblk.com
WOODS ROGERS PLC	RICHARD C MAXWELL, ESQ (COUNSEL FOR DELTA DENTAL OF VIRGINIA	rmaxwell@woodsrogers.com

SERVICE BY REGULAR US MAIL						
Party Name	ATTN	Address 1	Address2	City	State	Zip
BANK OF THE WEST	WILLIAM COONEY	475 SANSOME STREET		SAN FRANCISCO	CA	94111
BANK OF THE WEST	ROBIN S OBERG	13220 CALIFORNIA ST		OMAHA	NE	68154
BANK OF THE WEST		306 S GRAND AVE 6TH FL		LOS ANGELES	CA	90071
BB&T	BRUCE MCDONALD	400 N. TAMPA STREET	23RD FLOOR	TAMPA	FL	33602
BB&T	SUMMER RUFFIN	200 WEST SECOND STREET	FLOOR 17	WINSTON SALEM	NC	27101
BB&T EQUIPMENT FINANCE, LLC	SUMMER RUFFIN	200 WEST SECOND STREET	FLOOR 17	WINSTON SALEM	NC	27101
CARROLL, STEVE		1820 PADDOCK DR APT 106-1		MIDLOTHIAN	VA	23113
CHAO-SHERN, CONNIE		99 PILGRIM LOOP		FREMONT	CA	94539
DEPARTMENT OF THE TREASURY		INTERNAL REVENUE SERVICE CENTER		OGDEN	UT	84201-0012
DEPARTMENT OF THE TREASURY		INTERNAL REVENUE SERVICE CENTER		OGDEN	UT	84201-0013
DEPARTMENT OF THE TREASURY - INTERNAL REVENUE SERVICE		PO BOX 7346		PHILADELPHIA	PA	19101
HUMANA INC	Christopher M Todoroff - Senior VP and General Counsel	500 W MAIN ST		LOUISVILLE	KY	40202
LeClairRyan		PO Box 2499		Richmond	VA	23218
MERCODIA INC		1590 WESTBROOK PLAZA DRIVE	STE 201	WINSTON SALEM	NC	27103
US Environmental Protection Agency	US EPA Region 3	1650 Arch St		Philadelphia	PA	19103-2029